

Senate File 435

S-3172

1 Amend Senate File 435 as follows:

2 1. Page 1, line 19, by striking <the predominant>
3 and inserting <a substantial>

4 2. Page 1, line 24, by striking <the predominant>
5 and inserting <a substantial>

6 3. Page 4, by striking lines 16 through 21 and
7 inserting:

8 <Sec. _____. Section 85.34, subsection 2, Code 2017,
9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. On. For the loss of a shoulder,
11 weekly compensation during four hundred weeks.

12 Sec. _____. Section 85.34, subsection 2, paragraph u,
13 Code 2017, is amended to read as follows:>

14 4. Page 5, line 4, by striking <disability> and
15 inserting <impairment>

16 5. Page 5, by striking lines 5 through 10
17 and inserting <the employee's earning capacity.
18 Notwithstanding section 85.26, subsection 2, if an
19 employee who is eligible for compensation under this
20 paragraph returns to work with the same employer and is
21 compensated based only upon the employee's functional
22 impairment resulting from the injury as provided in
23 this paragraph and is terminated from employment by
24 that employer, the award or agreement for settlement
25 for benefits under this chapter shall be reviewed upon
26 commencement of reopening proceedings by the employee
27 for a determination of any reduction in the employee's
28 earning capacity caused by the employee's permanent
29 partial disability.>

30 6. Page 6, by striking lines 11 through 17 and
31 inserting <the employee is no longer permanently and
32 totally disabled.>

33 7. Page 7, line 3, before <services> by inserting
34 <current>

35 8. By striking page 10, line 24, through page 11,

SF435.1578 (3) 87
(amending this SF 435
to conform to HF 518)

1 line 3.

2 9. Page 11, before line 4 by inserting:

3 <Sec. _____. Section 85.70, Code 2017, is amended to
4 read as follows:

5 **85.70 Additional payment for attendance —**
6 **rehabilitation and training — new career vocational**
7 **training and education program.**

8 1. An employee who has sustained an injury
9 resulting in permanent partial or permanent total
10 disability, for which compensation is payable under
11 this chapter other than an injury to the shoulder
12 compensable pursuant to section 85.34, subsection
13 2, paragraph “On”, and who cannot return to gainful
14 employment because of such disability, shall
15 upon application to and approval by the workers’
16 compensation commissioner be entitled to a one hundred
17 dollar weekly payment from the employer in addition
18 to any other benefit payments, during each full week
19 in which the employee is actively participating in a
20 vocational rehabilitation program recognized by the
21 vocational rehabilitation services division of the
22 department of education. The workers’ compensation
23 commissioner’s approval of such application for
24 payment may be given only after a careful evaluation
25 of available facts, and after consultation with the
26 employer or the employer’s representative. Judicial
27 review of the decision of the workers’ compensation
28 commissioner may be obtained in accordance with the
29 terms of the Iowa administrative procedure Act, chapter
30 17A, and in [section 86.26](#). Such additional benefit
31 payment shall be paid for a period not to exceed
32 thirteen consecutive weeks except that the workers’
33 compensation commissioner may extend the period of
34 payment not to exceed an additional thirteen weeks
35 if the circumstances indicate that a continuation of

SF435.1578 (3) 87
(amending this SF 435
to conform to HF 518)

1 training will in fact accomplish rehabilitation.

2 2. a. An employee who has sustained an injury to
3 the shoulder resulting in permanent partial disability
4 for which compensation is payable under section 85.34,
5 subsection 2, paragraph "On", and who cannot return
6 to gainful employment because of such disability,
7 shall be evaluated by the department of workforce
8 development regarding career opportunities in specific
9 fields aligning with postsecondary career and technical
10 education programs that provide instruction in the
11 areas of agriculture, family and consumer sciences,
12 health occupations, business, industrial technology,
13 and marketing, that allow for accommodation of the
14 employee's disability and to determine if the employee
15 would benefit from participation in the new career
16 vocational training and education program offered
17 through an area community college, that will allow the
18 employee to return to the workforce.

19 b. Upon completion of the evaluation and a
20 determination by the department that the employee is a
21 candidate for the new career vocational training and
22 education program, the employee shall be referred by
23 the department to the community college that is in the
24 closest proximity to the employee's residence, or upon
25 agreement of the department and the employee, to the
26 community college that offers a vocational training and
27 education program that best meets the employee's needs,
28 for enrollment in the new career vocational training
29 and education program at the community college for the
30 purpose of providing the employee with occupational
31 training that will result in, at a minimum, the
32 awarding of an associate degree or completion of a
33 certificate program and will enable the employee to
34 return to the workforce. If an employee does not
35 enroll in the new career vocational training and

SF435.1578 (3) 87
(amending this SF 435
to conform to HF 518)

1 education program at the community college to which the
2 employee has been referred by the department within six
3 months after the referral, the employee is no longer
4 eligible to participate in the program.

5 c. The employee shall be entitled to financial
6 support from the employer or the employer's insurer
7 for participation in the new career vocational and
8 education training program in a total amount not
9 to exceed fifteen thousand dollars to be used for
10 the payment of tuition and fees and the purchase of
11 required supplies. The community college in which an
12 employee is enrolled pursuant to the program shall
13 bill the employer or the employer's insurer for the
14 employee's tuition and fees each semester, or the
15 equivalent, that the employee is enrolled in the
16 program. The employer or the employer's insurer shall
17 also pay for the purchase of supplies required by the
18 employee to participate in the program, upon receipt
19 of documentation from the employee detailing the cost
20 of the supplies and the necessity for purchasing the
21 supplies. Such documentation may include written
22 course requirements or other documentation from the
23 community college or the course instructor regarding
24 the necessity for the purchase of certain supplies.

25 d. The employer or the employer's insurer may
26 request a periodic status report each semester from the
27 community college documenting the employee's attendance
28 and participation in and completion of the education
29 and training program. If an employee does not meet
30 the attendance requirements of the community college
31 at which the employee is enrolled or does not maintain
32 a passing grade in each course in which the employee
33 is enrolled each semester, or the equivalent, the
34 employee's eligibility for continued participation in
35 the program is terminated.

SF435.1578 (3) 87
(amending this SF 435
to conform to HF 518)

1 e. The community college shall also provide the
2 employer or the employer's insurer with documentation
3 detailing that the receipt of funds by the community
4 college pursuant to this subsection is for the payment
5 of tuition and fees and the purchase of required
6 supplies.

7 f. Beginning on or before December 1, 2018, the
8 department of workforce development, in cooperation
9 with the department of education, the insurance
10 division of the department of commerce, and all
11 community colleges that are participating in the new
12 career and vocational training and education program,
13 shall prepare an annual report for submission to the
14 general assembly that provides information about the
15 status of the program including but not limited to the
16 utilization of and participants in the program, program
17 completion rates, employment rates after completion of
18 the program and the types of employment obtained by the
19 program participants, and the effects of the program on
20 workers' compensation premium rates.>

21 10. Page 14, by striking lines 4 and 5 and
22 inserting <recent H15 report settled as of the date of
23 injury, plus two percent.>

24 11. Page 14, by striking lines 6 and 7.

25 12. Page 14, line 10, by striking <85.61,>

26 13. Title page, line 2, by striking <effective date
27 and>

28 14. By renumbering as necessary.

MICHAEL BREITBACH